

AGREEMENT

3729

This 21st day of January, 1999, ALPHA RESTAURANT, Inc., T/A Au Pied de Cochon, ("the Applicant") 1335 Wisconsin Ave., N.W., Washington, D.C. , 20007, and Joseph M. Farrell, 3128 Dumbarton St., Cloatta Farrell, 3128 Dumbarton St., N.W., Susan Michal-Smith, 3120 Dumbarton St., N.W., and Cynthia Anthony, 3108 Dumbarton St., N.W., and formerly Single Member District Commissioner, ANC 2E-07 ("the neighbors") hereby agree as follows:

WITNESSETH

WHEREAS, pending before the Alcoholic Beverage Control Board ("ABC Board") of the District of Columbia is the Applicant's renewal application for a class CR license for the premises at 1335 Wisconsin Ave., N.W., with Application Number 3729; and

WHEREAS, the neighbors filed a timely petition protesting the renewal of the license by letter dated November 29, 1998; and

WHEREAS, the parties desire to enter into an agreement regarding certain aspects of Applicant's operations;

NOW THEREFORE, in consideration of the above, and the covenants and promises set forth below, the parties agree as follows:

1. The Applicant will further enclose its garbage/trash holding area which is now located behind the restaurant beside Dumbarton Street, by placing a roof on said holding area (See Exhibit A attached). Said roof will be metal or metal covered.
2. The Applicant will continue in effect the concrete floor and cinder block walls of said area, including the 2' deep cinder block foundation, so that when said roof is installed the garbage/trash holding area will be impervious to rodents.
3. Applicant will continue a sliding metal door on the Dumbarton Street side of said area, which may be opened at the time of garbage/trash

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collection, but which will remain shut at all other times, and secured from the inside.

4. Applicant will continue its practice of washing down the garbage/trash area, with the wash removed by a drain inside the area which will be continuously open and unclogged and which connects to the Applicant's sewer line inside Applicant's premises, so that there will be no water or wash run-off outside the garbage area onto the sidewalks or into the gutter. The objective is to eliminate odors from said area, and to eliminate any collection of water on the sidewalk.

5. Applicant will continue its practice of having its garbage/trash picked up by a commercial rubbish and/or trash removal concern frequently during the week at reasonable pickup hours.

6. Applicant will maintain, for the duration of each license renewal, its contract with Affordable Pest Control, or similar properly licensed pest control service, with the objective of securing advice, assistance, and services necessary to eliminating the premises at 1335 Wisconsin Avenue as an attraction for pests and rodents, as described in the attached program. (A copy of the current pest control contract with Applicant and Affordable Pest Control, sanitized of price and cost information, will be made available to the neighbors and their counsel by March 15, 1999.

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7. The structural improvements above will be completed by April 1, 1999.

8. In consideration of, and in reliance on, the commitments reflected in paragraphs 1 through 7 above, the neighbors hereby withdraw their protest of Applicant's pending liquor license renewal application.

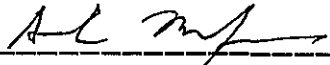
9. The parties further agree that the above provisions are conditions of the license.

IN WITNESS WHEREOF, the parties have affixed their hands and seals on the day and year just above written.

ALPHA RESTAURANT, INC.
T/A Au Pied de Cochon


By


Yves Courbois, General Manager



Angelo Marafan, President
Alpha Restaurant, Inc.


NEIGHBORS:

By 

Joseph Farrell

By 

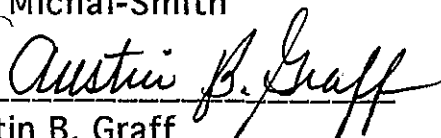
Cloatta Farrell

By 

Cynthia Anthony

By 

Susan Michal-Smith

By 

Austin B. Graff
2905 N Street, N.W.
Counsel for Neighbors

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

Alpha Restaurant, Inc.
t/a Au Pied de Cochon

Application for a Retailer's License
CR – renewal application
at premises
1335 Wisconsin Avenue, N.W.
Washington, D.C.

Case No. 3729-99018P

**Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District commissioner,
Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, Protestants**

Angelo Magafan, President, on behalf of Applicant

**BEFORE: Vannie Taylor III, Esquire, Chair
Vera Abbott, Member
Allen Beach, Member
Max Salas, Member**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on November 24, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District Commissioner, Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, filed timely protest letters.

The official records of the Board reflect that the parties have now reached an agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated January 21, 1999, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

Accordingly, it is this 16th day of June 1999, **ORDERED** that:

1. The protests of Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District commissioner, Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, be, and the

Alpha Restaurant, Inc.
t/a Au Pied de Cochon
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same hereby, are **WITHDRAWN**;

2. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;

3. The application of Alpha Restaurant, Inc. t/a Au Pied de Cochon, for a retailer's class CR license (renewal) at premises 1335 Wisconsin Avenue, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**; and,

4. Copies of this Order shall be sent to the Protestants and the Applicant.



Vannie Taylor, III, Esquire, Chair

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AGREEMENT

THIS AGREEMENT ("Agreement") is made between Alpha Restaurant, Inc., a District of Columbia corporation, trading as Au Pied De Cochon (the "Applicant") and Advisory Neighborhood Commission 2E ("the ANC").

WHEREAS, the Applicant has applied for renewal of the Class "CR" alcoholic beverage license for the property located at 1335 Wisconsin Avenue, N.W., ABC Application No. 3729, which is pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and

WHEREAS, the ANC represents the residents and taxpayers within its boundaries and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW THEREFORE, in consideration of the agreements set forth herein, the parties hereto mutually agree as follows:

1. The Applicant shall at all times operate as a bona-fide restaurant for the primary purpose of food consumption. The kitchen shall be open and hot food items shall be available at all times when the establishment is open.
2. The Applicant shall strictly enforce the underage drinking laws of the District of Columbia by requiring valid official identification showing age and cooperating with ABC inspectors and the police department in enforcing the law. The Applicant shall prominently post signs inside the establishment and at the door to inform customers of the legal drinking age and of the requirement for valid identification prior to service of alcoholic beverages.
3. The Applicant shall ensure compliance with the laws of the District of Columbia regarding hours of consumption of alcoholic beverages. Accordingly, no alcoholic beverages shall be served in the establishment later than 1:30 am on the evenings of Monday through Thursday or 2:30 am on the evenings of Friday and Saturday. All bottles, glasses and similar containers used for alcohol service shall be removed from the public areas of the establishment by no later than 2:00 am on the evenings of Monday through Thursday or 3:00 am on the evenings of Friday and Saturday. The Applicant shall prominently post signs inside the establishment informing customers of the legal hours for alcohol service and of the policy described in this paragraph.
4. The Applicant shall ensure that, at all times, sufficient staff are trained and certified as ABC-licensed managers. To this end, the Applicant agrees at this time to train a fourth ABC-licensed manager on staff. An ABC manager shall be on-site at all times when alcoholic beverages are offered for sale or are present in the public areas of the establishment.
5. The Applicant recognizes its obligation to maintain the sidewalk and nearby areas in clean condition and agrees to periodically sweep and remove litter from these areas.
6. A copy of this agreement shall be kept on the premises and shall be available at all times for viewing by any person upon request.
7. The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. §1513.5.
8. In consideration of, and in reliance upon, the foregoing agreements made by the Applicant, the ANC agrees to withdraw any objection to the application..

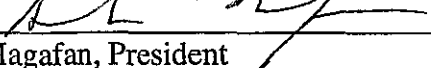
9. This written agreement constitutes the only agreement between the parties and may be modified only by the written agreement of both parties.

IN WITNESS THEREOF, the parties have affixed hereunto their hands and seals on the year and the day indicated below their signature.


Executed this 11 day of JUNE, 2002.

APPLICANT

Alpha Restaurant, Inc t/a Au Pied de Cochon

By: 
Angelo Magafan, President

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: 
Peter Pulsifer, Chairman

*ANC Commissioner
vice Chairman
entire ABC Committee*

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Alpha Restaurant, Inc.
t/a Au Pied De Cochon

Application for a Retailer's Class
CR License (renewal)
at premises
1335 Wisconsin Avenue, N.W.
Washington, D.C.

Case no. 3729-02/061P
2002-242

Peter Pulsifer, Chair, on behalf of Advisory Neighborhood Commission 2E, Protestant

Angelo Magafan, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on May 1, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Peter Pulsifer, Chair, Advisory Neighborhood Commission 2E, filed timely opposition.

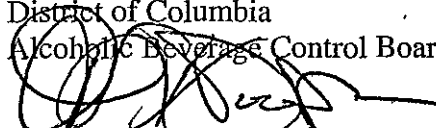
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated June 11, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 18th day of September 2002, **ORDERED** that:

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t/a Au Pied De Cochon
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1. The opposition of Peter Pulsifer, Chair, on behalf of the Advisory Neighborhood Commission 2E, is **WITHDRAWN**;
2. The application of Alpha Restaurant, Inc. t/a Au Pied De Cochon for a retailer's class CR license (renewal) at 1335 Wisconsin Avenue, N.W., Washington, D.C., is :
GRANTED;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

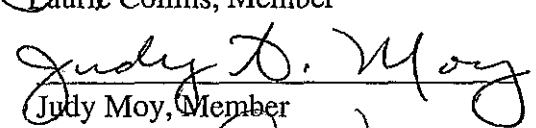
District of Columbia
Alcoholic Beverage Control Board

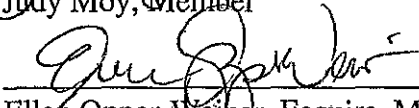

Roderic L. Woodson, Esquire, Chair

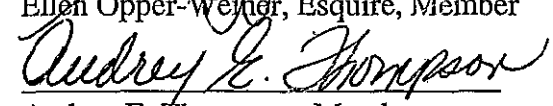

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member